

Environmental Protection Agency

§ 147.1750

SDWA. Notice of this approval was published in the *FEDERAL REGISTER* on April 19, 1984 (49 FR 15553); the effective date of this program is April 19, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Carolina. This incorporation by reference was approved by the Director of the OFR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the North Carolina Department of Environment, Health and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611. Copies may be inspected at the Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(1) Administrative Procedure Act, N.C. GEN. STAT. 150B-1 through 150B-64 (1987 and Cum. Supp. 1989);

(2) North Carolina Well Construction Act, N.C. GEN. STAT. §§87-83 through 87-99 (1989 and Cum. Supp. 1989);

(3) Water and Air Resources, N.C. GEN. STAT. §§143-211 through 143-215.10 (1987 and Cum. Supp. 1989);

(4) Solid Waste Management, N.C. GEN. STAT. §§130A-290 through 130A-309.03 (1989);

(5) North Carolina Drinking Water Act, N.C. GEN. STAT. §§130A-311 through 130A-332 (1989);

(6) Sanitary Sewage Systems, N.C. GEN. STAT. §§130A-333 through 130A-335 (1989).

(b) *Other laws.* The following rules and regulations, although not incorporated by reference, are also part of the approved State-administered program:

(1) N.C. ADMIN. CODE, Title 15, r. 02L.0100 *et seq.* Groundwater Classification and Standards: General Considerations (September 22, 1988);

(2) N.C. ADMIN. CODE, Title 15, r. 02L.0100 *et seq.* Criteria and Standards Applicable to Injection Wells (September 22, 1988).

(c) *Memorandum of Agreement.* The Memorandum of Agreement between the State of North Carolina and EPA Region IV, signed March 1, 1984.

(d) *Statement of legal authority.* (1) Underground Injection Control Program, Attorney General's Statement (June 15, 1982);

(2) Amendment to Underground Injection Control Program, Attorney General's Statement (February 9, 1984).

(e) *Program Description.* The Program Description and other materials submitted as part of the application or as supplements thereto.

[56 FR 9417, Mar. 6, 1991]

§§ 147.1701-147.1702 [Reserved]

§ 147.1703 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in the State of North Carolina is administered by EPA. This program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, 148, and any additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Indian lands in North Carolina is November 25, 1988.

[53 FR 43089, Oct. 25, 1988, as amended at 56 FR 9418, Mar. 6, 1991]

§§ 147.1704-147.1749 [Reserved]

Subpart JJ—North Dakota

§ 147.1750 State-administered program—Class II wells.

The UIC program for Class II wells in the State of North Dakota, except those on Indian lands, is the program administered by the North Dakota Industrial Commission, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the *FEDERAL REGISTER* on August 23, 1983 (48 FR 38237); the effective date of this program is September 24, 1983. This program consists of the following

elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Dakota. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) North Dakota Century Code, Chapter 38-08 (Control of Gas and Oil Resources, 1987 and Supp. 1989);

(2) North Dakota Administrative Code, Chapter 43-02-05 (Underground Injection Control, as published in *Statutes and Rules for the Conservation of Oil and Gas*, North Dakota Industrial Commission, revised effective November 1, 1987);

(3) North Dakota Administrative Code, Chapter 43-02-03 (General Rules, as published in *Statutes and Rules for the Conservation of Oil and Gas*, North Dakota Industrial Commission, revised effective November 1, 1987).

(b) The Memorandum of Agreement between EPA Region VIII and the North Dakota Industrial Commission, Oil and Gas Division, signed by the EPA Regional Administrator on June 16, 1983, as amended September 7, 1989.

(c) *Statement of legal authority.* "Underground Injection Control Program Attorney General's Statement," as submitted with the North Dakota Underground Injection Control Program Primacy Application for Class II Injection Wells, transmitted by the Governor on July 15, 1982 (16 pages).

(d) The Program Description and other materials submitted as part of the application or as supplements thereto.

[49 FR 20197, May 11, 1984, as amended at 53 FR 43089, Oct. 25, 1988; 56 FR 9418, Mar. 6, 1991]

§ 147.1751 State-administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV, and V wells in the State of North Dakota, except those on Indian lands, is the program administered by the North Dakota Department of Health, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval

was published in the FEDERAL REGISTER on September 21, 1984; the effective date of this program is October 5, 1984. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Dakota. This incorporation by reference was approved by the Director of the Federal Register effective October 5, 1984.

(1) North Dakota Century Code Sections 38-12-01, 38-12-03 (1980);

(2) North Dakota Century Code, Sections 61-28-02 and 61-28-06 (1989);

(3) North Dakota Administrative Code Sections 33-25-01-01 through 33-25-01-18 (North Dakota State Health Department Underground Control Program) (1983);

(4) North Dakota Administrative Code, Chapter 43-02-02 (Subsurface Mineral Exploration and Development) (August 1986), and Chapter 43-02-02.1 (Underground Injection Control Program) (March 1, 1984);

(5) North Dakota Administrative Code Sections 43-02-02-1-01 through 43-02-02-1-18 (North Dakota Geological Survey—Underground Injection Control Program) (1984);

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program;

(1) North Dakota Environmental Law Enforcement Act of 1975, North Dakota Century Code Sections 32-40-01 to 32-40-11 (1976);

(2) North Dakota Century Code, Ch. 38-12 (Regulation, Development, and Production of Subsurface Minerals) (1979);

(3) North Dakota Century Code Chapter 61-28 (Control, Prevention and Abatement of Pollution of Surface Waters) (1989);

(4) North Dakota Administrative Code Article 33-22 (Practice and Procedure) (1983).

(c) The Memorandum of Agreement between EPA Region VIII and the North Dakota Department of Health,